

PART 1, CHAPTER 13

REEVALUATIONS

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PART 1, CHAPTER 13

REEVALUATIONS

13.1 OVERVIEW

The reevaluation process outlined in this chapter fulfills the Federal Highway Administration (FHWA) consultation requirement under **23 Code of Federal Regulations (CFR) § 771.129** which provides criteria to determine the continued validity of the originally approved Environmental Document. This chapter ensures compliance with applicable federal and state laws prior to advancing the project to the next major phase [e.g., Design, Right Of Way (ROW) or Construction]. The reevaluation process also provides a status update for commitments made by the Florida Department of Transportation (FDOT) during subsequent project implementation phases. The FDOT applies the same reevaluation process for state-funded projects as detailed in [Part 1, Chapter 10, State, Local, or Privately Funded Project Delivery](#).

A Reevaluation documents whether or not changes have occurred to a project since the approval of the original Environmental Document. Reevaluations are required for federal projects prior to advancing to the next major phase.

Reevaluations for Type 2 Categorical Exclusions (Type 2 CEs), Environmental Assessments (EAs) with Finding of No Significant Impacts (FONSIs), Environmental Impact Statements (EISs), Supplemental Environmental Impact Statements (SEISs), or the Record of Decision (ROD) are conducted per **Section 13.2.1**. Reevaluations for Type 1 Categorical Exclusions are conducted according to **Section 13.2.2**. Federal projects which have a state-funded phase or segment(s) also require reevaluation. The Reevaluation process is shown in **Figure 13-1**.

Project managers in subsequent phases to the Project Development and Environment (PD&E) phase (e.g., Design, Construction) should be aware that major changes to the project scope can impact production schedules, as they may require more time for additional environmental analysis. This is particularly important for Design-Build projects where design changes and construction may advance concurrently. Consideration of the effects of major design changes on the project schedule should be considered prior to approving such changes since this can lead to project delays if not identified and addressed appropriately. The Project Manager of this phase should, whenever possible, minimize project changes that could impact agreed upon mitigation or commitments made during the PD&E Study. The Project Manager should take into account changes that will require additional interagency coordination or public involvement, as well as the identification of new impacts requiring additional evaluation.

13.2 PROCEDURE

Reevaluation of an approved Environmental Document is required prior to the request for FHWA action (i.e., change in project phase: Design, ROW, Construction) or when major changes in project design, changes in issue/resource status, or changes in law have occurred.

Reevaluations are necessary:

1. Prior to requesting federal-aid authorization for subsequent project phases (Final Design, ROW, and Construction)
2. Any time there are major design/project changes
3. Any time there are major design/project changes during a design-build project
4. Any time a project changes from the federal process to the state process, or vice-versa

Reevaluations to advance subsequent production phases may serve to advance a single or multiple project segments; however, the entire project limits covered in the approved final Environmental Document must be considered in the Reevaluation. If project limits are extended or reduced subsequent to approval of the final Environmental Document, then those changed limits are also considered in the Reevaluation.

23 CFR § 771.129(a) and (b) provides specific directions for Draft and Final EIS Reevaluations:

Draft Environmental Impact Statement (DEIS): (a) “A **written** evaluation of the DEIS shall be prepared by the applicant in cooperation with the Administration if an acceptable FEIS is not submitted to the Administration within three years from the date of the DEIS circulation. The purpose of this evaluation is to determine whether or not a supplement to the DEIS or a new DEIS is needed.”

Final Environmental Impact Statement (FEIS): (b) “A **written** evaluation of the FEIS will be required before further approvals may be granted if major steps to advance the action (e.g., authority to undertake final design, authority to acquire a significant portion of the ROW, or approval of the plans, specifications and estimates) have not occurred within three years after the approval of the FEIS, FEIS supplement, or the last major Administration approval or grant.”

23 CFR § 771.129(c) provides specific guidelines for Reevaluations of approved Environmental Documents:

For approved ROD, FONSI, or CE designation: the FDOT “shall consult with the Administration prior to requesting any major approvals or grants to establish whether or not the approved Environmental Document or CE designation remains valid for the

requested Administration action.”

The procedure provided in this chapter satisfies the consultation requirements of **23 CFR § 771.129(a)(b) and (c)**.

It should be noted that Design-Build firms assigned to a project cannot perform Reevaluations, make findings, or make decisions on that project. They are only authorized to prepare information that will support the preparation of the Reevaluation by the District (see [Design-Build Request for Proposals](#) boilerplate, available from the Office of Construction).

13.2.1 Reevaluation of Type 2 CE, EA with FONSI, and EIS Projects

Reevaluations are initiated by the District through consultation with the FHWA Transportation Engineer and completion of a **Reevaluation Form** to determine whether the Environmental Document remains valid. This consultation includes discussion of phase status, changes in design, changes in existing conditions, issue/resource impact status, laws, or regulations that may affect the project, permitting, and commitments. It is important to begin the reevaluation process early enough to provide sufficient time for completion prior to the needed authorization.

Consultation with FHWA also helps determine whether the form will require FHWA signature. If through consultation it is determined that no changes (“changes in impact status or document compliance” or “major design changes and revised design criteria”) are identified, the District will proceed with the project, document the results of this consultation on the **Reevaluation Form (Figure 13-2)**, and add it to the project file. A FHWA signature on the form is not required. If FHWA requests to review the Reevaluation, the form is sent to them for signature.

If there have been changes in impacts, the District and FHWA should determine the level of analysis necessary and whether public involvement is required to advance the project. If the project is an EIS (draft or final), a SEIS may need to be prepared (**Section 13.2.1.3**).

13.2.1.1 Reevaluation Preparation

The Reevaluation documentation is contingent upon the project phase status, changes in impact, and the reason for the Reevaluation (e.g., design change). Documentation can be as simple as filling out the **Reevaluation Form** in **Figure 13-2** and verifying that there have been no changes. Additional information supporting the Reevaluation should be attached to the **Reevaluation Form**.

If a Reevaluation involves new or additional impacts to a resource (wetlands, etc.), coordination with the responsible agency is necessary, especially when a permit or permit modification is needed. Resource agency input may be necessary to establish validity of new information regarding a resource they regulate or oversee.

The Reevaluation documents compliance with any laws which have come into effect since the approval of the original final Environmental Document or most recent Reevaluation. It should document any change in project conditions or scope, and/or impact determinations. The Reevaluation should also document updates to the status of existing commitments and identify new commitments. Environmental commitments are reviewed as part of the Reevaluation process and will be incorporated into the project, as appropriate. Changes to PD&E commitments should be coordinated and documented according to ***Procedure 700-011-035, [Project Commitment Tracking](#)***.

13.2.1.1.1 Reevaluation Form

The ***Reevaluation Form (Figure 13-2)*** is completed for Type 2 CEs, EA with FONSI, EISs, and SEISs, and includes the following sections:

Section 1 - General Information

This section contains information about the originally approved Type 2 CE documentation, EA with FONSI, EIS, ROD, or any supplemental environmental document and the segment(s) being advanced. Information provided under this section includes:

- a. The change in project phase(s) for which the project segment(s) is (are) being reevaluated [i.e., Preliminary Engineering, ROW, and Construction Advertisement]
- b. Document type [Class of Action (COA)] and date of approval of original Environmental Document. Additionally identify prior Reevaluations, their date, and document type.
- c. Project number(s): Federal-aid, Financial Management and Efficient Transportation Decision Making (ETDM) number(s) of the original approved document
- d. Project name, location, and limits covered under the originally approved Environmental Document
- e. Segment of highway being advanced: Federal-aid project number(s), Financial Management number(s), location and limits, and identify if federal or state-funded
- f. Project Segment Planning Consistency with the Transportation Improvement Program (TIP), State Transportation Improvement Program (STIP), and Long Range Transportation Plan (LRTP) Cost Feasible Plan (CFP). Planning consistency documentation is only required for Reevaluations which constitute a subsequent phase approval for advancement of the project to the next phase. For these types of Reevaluations, complete the table and include appropriate pages from these plans. If more than one segment is to be advanced for different phases, this distinction must be specified. This table does not need to include phases which have already occurred. Guidance on how to

complete this section is included in [Part 2, Chapter 4 Project Description and Purpose and Need](#).

g. Name of the FDOT preparer

Section 2 – Evaluation of Changes

This section is used to document the evaluation of changes in impacts to affected issues/resources. This should also include an evaluation of impacts to new issues/resources, which may have been identified.

If a change has occurred for a given issue/resource, then the analyst marks an "X" in the YES box. An explanation is then referenced in the COMMENTS column and provided as an attachment to discuss the nature of the change or updated information. This column should also include the title of the attachment and the page number (e.g., Attachment A, Page 10). If any new issues/resources are identified, they should be added to the form and addressed accordingly. If no change has occurred, the analyst marks an "X" in the NO box.

Section 3 - Evaluation of Major Design Changes and Revised Design Criteria

This section includes major design changes that have occurred since approval of the original document or most recent Reevaluation. The extent of the design change(s) and modification of impacts on the project area must be documented.

Examples of design changes include, but are not limited to:

1. Changes in typical section
2. Shifts in roadway alignment
3. Changes in ROW needs
4. Changes due to revised design criteria
5. New design variations or exceptions
6. Changing a bridge to a box culvert
7. Changes in drainage design and/or requirements

If no major design changes have occurred, then it should be stated.

Section 4 - Commitment Status

Section 4 includes a list of commitments including mitigation measures established in the approved Environmental Document along with their current status (completed, modified, added, or no longer applicable). Commitment changes require an

explanation. New commitments can surface from a variety of sources, such as subsequent agency negotiations or permit requirements, or from public involvement. These commitments must be listed, updated, and discussed. The Districts must review, verify, and update the [Project Commitment Record, Form No. 700-011-35](#) per **Procedure No. 700-011-035, [Project Commitment Tracking](#)**. It is important that commitments made by the FDOT are documented. They must be tracked throughout the project, and satisfied at the appropriate phase of the project per **Procedure No. 700-011-035, [Project Commitment Tracking](#)**.

Section 5 - Status of Permits

This section identifies permits required for the project, provides a summary of their status, and documents any modifications. The status of the permit(s) should be commensurate with the phase of the project and the type of Reevaluation. For example, if the permit has been applied for, state the name of the permit, agency, date of application and number; if the permit has been issued state the name of the permit, agency, date of issuance, and permit number. The preparer of the Reevaluation must coordinate with the District Permit Coordinator to ensure complete documentation and timely permit issuance. If the permit for the advancing segment has not been issued, construction activities cannot begin.

Section 6 - Conclusion

This section contains a statement about the Reevaluation of the project, the validity of the findings in the Environmental Document, new findings (if necessary), and a recommendation for project advancement.

If no changes affecting the original environmental determination have occurred, mark the box that states the following with an X:

- ☐ The above Environmental Document has been reevaluated as required by 23 CFR § 771. It has been determined that there have been no changes to the project that affect the original environmental determination. Therefore, the Administrative Action remains valid.

It is recommended that the project identified herein be advanced to the next phase.

Section 7 – Reviewer Signature Block

The District Environmental Engineer/Manager will sign the Reviewer Signature Block and place it and any consultation documentation in the Project File.

Section 8 - FHWA Concurrence

The District will mark the appropriate box with an X, and fill in the date of the consultation, if applicable.

The District submits the Reevaluation to FHWA, only if FHWA approval is required. The FHWA Division Administrator (or designee) approves the Reevaluation by signing the **Reevaluation Form**.

Section 9 - Attachments

Other supporting information such as summaries of reports and documentation of stakeholder coordination may be attached.

13.2.1.2 Distribution of Approved Reevaluations

When a FHWA signature is needed on the **Reevaluation Form**, the District sends an original and a copy of the signature page to the FHWA Division Administrator. A sample transmittal letter is provided in **Figure 13-3**.

Upon receipt of the approved signature page from FHWA, the District will distribute the Reevaluation to the Design, ROW, and Construction offices, Cooperating Agencies, and others as appropriate. The District Environmental Office will also provide the date of the approved Reevaluation on the [Status of Environmental Certification for Federal Project, Form No. 650-050-13](#), as shown in **Figure 13-4**, which is required as part of the contract file for federal oversight projects.

13.2.1.3 Supplemental Environmental Impact Statements

A supplemental EIS may be necessary **[40 CFR § 1502.9(c)]** whenever the Reevaluation of a DEIS, FEIS/ROD, or FEIS identifies changes, new information, or other project developments resulting in significant environmental impacts not identified in the most recently distributed version of the draft or final EIS. In this situation, the District will coordinate with FHWA to determine the work effort required to allow the project to progress and prepare the SEIS using the same procedures for preparing EISs as described in [Part 1, Chapter 6, Draft Environmental Impact Statement](#) and [Part 1, Chapter 7, Final Environmental Impact Statement](#), respectively.

According to **23 CFR § 771.130(a)** the FHWA may determine that a SEIS is needed when:

- (1) Changes to the proposed action would result in significant environmental impacts that were not evaluated in the EIS; or
- (2) New information or circumstances relevant to environmental concerns and bearings on the proposed action or its impacts would result in significant environmental impacts not evaluated in the EIS.

A SEIS is not necessary under **23 CFR § 771.130(b)** when:

- (1) The changes to the proposed action, new information, or new circumstances result in a lessening of adverse environmental impacts

evaluated in the EIS without causing other environmental impacts that are significant and were not evaluated in the EIS; or

- (2) The Administration decides to approve an alternative fully evaluated in an approved final EIS but not identified as the preferred alternative. In such a case, a revised ROD shall be prepared and circulated in accordance with **23 CFR § 771.127(b)**.

A Reevaluation may need to be done on an existing SEIS. In this case, it is important to coordinate closely with FHWA.

13.2.2 Type 1 Categorical Exclusion Projects

Type 1 CE reevaluations are not documented on the **Reevaluation Form**, but rather through a re-submittal of the **Type 1 Categorical Exclusion Checklist, Form No. 650-050-12** when requesting federal authorization. This reevaluation consists of a finding that the initial COA designation remains valid. The **Type 1 Categorical Exclusion Checklist**, found in **Part 1, Chapter 2, Federal Highway Administration Class of Action Determination**, should be reviewed and updated. The results of the checklist are documented in the **Status of Environmental Certification for Federal Project, Form No. 650-050-13** (**Figure 13.4**) which is provided to the District Federal Aid Coordinator.

The District Federal Aid Coordinator or the Federal Aid Management Office notes this information on the **Federal-Aid Project Authorization/Agreement Form (PR-1240 Form)**, which is required as part of the federal-aid funding request package. Acceptance by FHWA of the **PR-1240 Form** authorizes the use of federal funds.

13.3 REFERENCES

23 CFR § 636. Design-Build Contracting.

23 CFR § 771. Environmental Impact and Related Procedures.

40 CFR §1502.9. Draft, Final, and Supplemental Statements.

Federal Highway Administration. Federal-Aid Project Authorization/Agreement Form, PR-1240. <http://flh.fhwa.dot.gov/CFLHD/Chapter1/forms-templates/FormPR1240.pdf>.

Florida Department of Transportation. Design-Build Request for Proposals boilerplate. <http://www.dot.state.fl.us/construction/DesignBuild/DBDocuments/DBDocsMain.shtm>.

Florida Department of Transportation. Plans Preparation Manual, Topic No. 625-000-007 and 008.

Florida Department of Transportation. 2012. Project Commitment Record Form, Topic No. 700-011-35.

Florida Department of Transportation. 2012. Project Commitment Tracking, Topic No. 700-011-035.

U.S. Department of Transportation, Federal Highway Administration, October 30, 1987. Guidance for Preparing and Processing Environmental and Section 4(f) Documents, FHWA Technical Advisory T6640.8A.
<https://www.environment.fhwa.dot.gov/projdev/impTA6640.asp>

13.4 HISTORY

10/9/1998, 1/31/2007, 6/20/2011

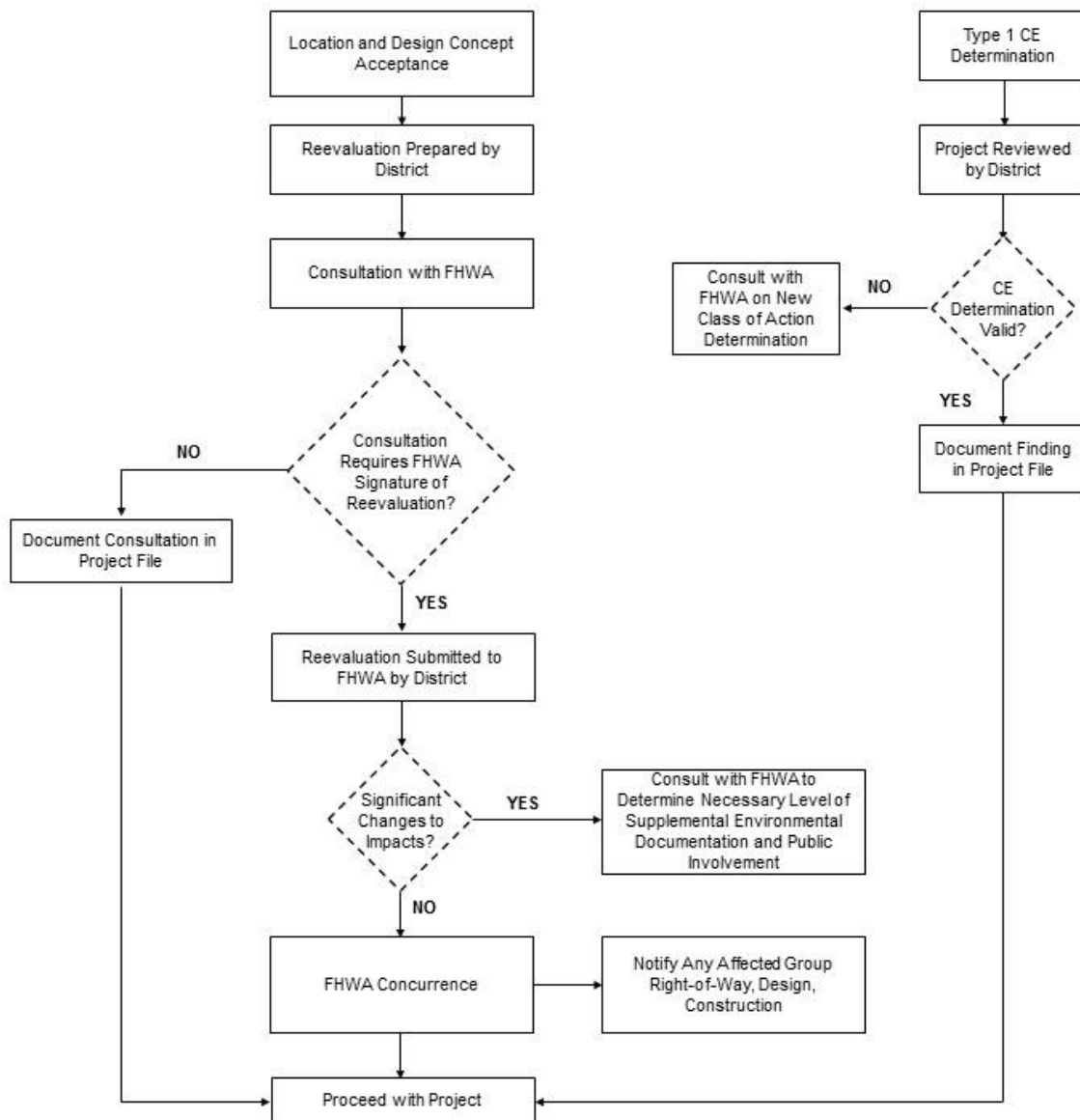


FIGURE 13-1 Reevaluation Process

Florida Department of Transportation REEVALUATION FORM

1. GENERAL INFORMATION (originally approved Environmental Document)

a. Project Phase: _____

b. Document Type and Date of Approval: _____

c. Project Numbers: _____
 Federal Aid FM ETDM

d. Project Name, Location and Limits (from original document):

e. Segments of Highway Being Advanced:

f. Prior Reevaluations: _____

g. Project Segment Planning Consistency. If more than one segment is being advanced additional tables should be added. Table does not need to include past/completed phases.

Currently Adopted CFP-LRTP	COMMENTS				
Y/N	(If N, then provide detail on how implementation and fiscal constraint will be achieved)				
PHASE	Currently Approved TIP	Currently Approved STIP	TIP/STIP \$	TIP/STIP FY	COMMENTS
Identify phase(s) being authorized (e.g., PE, ROW, and/or Construction)	Y/N	Y/N	\$		(If phase completed, note as such otherwise provide comments describing status and activities needed to achieve consistency)

**Include pages from current TIP/STIP/LRTP*

h. Name of FDOT Preparer: _____

FIGURE 13-2 Reevaluation Form (Page 1 of 3)

2. EVALUATION OF CHANGES

	YES / NO		COMMENTS
A. SOCIAL & ECONOMIC			
1. Social	<input type="checkbox"/>	<input type="checkbox"/>	_____
2. Economic	<input type="checkbox"/>	<input type="checkbox"/>	_____
3. Land Use Changes	<input type="checkbox"/>	<input type="checkbox"/>	_____
4. Mobility	<input type="checkbox"/>	<input type="checkbox"/>	_____
5. Aesthetic Effects	<input type="checkbox"/>	<input type="checkbox"/>	_____
6. Relocation Potential	<input type="checkbox"/>	<input type="checkbox"/>	_____
7. Farmland	<input type="checkbox"/>	<input type="checkbox"/>	_____
B. CULTURAL			
1. Section 4(f)	<input type="checkbox"/>	<input type="checkbox"/>	_____
2. Historic Sites/Districts	<input type="checkbox"/>	<input type="checkbox"/>	_____
3. Archaeological Sites	<input type="checkbox"/>	<input type="checkbox"/>	_____
4. Recreation Areas	<input type="checkbox"/>	<input type="checkbox"/>	_____
C. NATURAL			
1. Wetlands and Other Surface Waters	<input type="checkbox"/>	<input type="checkbox"/>	_____
2. Aquatic Preserves and Outstanding FL Waters	<input type="checkbox"/>	<input type="checkbox"/>	_____
3. Water Quality	<input type="checkbox"/>	<input type="checkbox"/>	_____
4. Wild and Scenic Rivers	<input type="checkbox"/>	<input type="checkbox"/>	_____
5. Drainage and Floodplains	<input type="checkbox"/>	<input type="checkbox"/>	_____
6. Coastal Zone Consistency	<input type="checkbox"/>	<input type="checkbox"/>	_____
7. Coastal Barrier Resources	<input type="checkbox"/>	<input type="checkbox"/>	_____
8. Protected Species and Habitat	<input type="checkbox"/>	<input type="checkbox"/>	_____
9. Essential Fish Habitat	<input type="checkbox"/>	<input type="checkbox"/>	_____
D. PHYSICAL			
1. Highway Traffic Noise	<input type="checkbox"/>	<input type="checkbox"/>	_____
2. Air Quality Analysis	<input type="checkbox"/>	<input type="checkbox"/>	_____
3. Contamination	<input type="checkbox"/>	<input type="checkbox"/>	_____
4. Utilities and Railroads	<input type="checkbox"/>	<input type="checkbox"/>	_____
5. Scenic Highways	<input type="checkbox"/>	<input type="checkbox"/>	_____
6. Construction	<input type="checkbox"/>	<input type="checkbox"/>	_____
7. Bicycles and Pedestrians	<input type="checkbox"/>	<input type="checkbox"/>	_____
8. Navigation	<input type="checkbox"/>	<input type="checkbox"/>	_____

FIGURE 13-2 Reevaluation Form (Page 2 of 3)

3. EVALUATION OF MAJOR DESIGN CHANGES AND REVISED DESIGN

CRITERIA (e.g., Typical Section Changes, Alignment Shifts, Right of Way Changes, Bridge to Box Culvert, Drainage Requirements, Revised Design Standards)

4. COMMITMENT STATUS

5. STATUS OF PERMITS

6. CONCLUSION

If no changes affecting the original environmental determination have occurred check the following:

- ☐ The above Environmental Document has been reevaluated as required by 23 CFR Part 771. It has been determined that there have been no changes to the project that affect the original environmental determination. Therefore, the Administrative Action remains valid.

It is recommended that the project identified herein be advanced to the next phase.

7. REVIEWER SIGNATURE BLOCK

Print Name

District approving authority or designee

Date

8. FHWA CONCURRENCE

FHWA signature required? ☐ Yes ☐ No (date of consultation)_____

Print Name

Federal Highway Administration, Division Administrator

Date

9. ATTACHMENTS

FIGURE 13-2 Reevaluation Form (Page 3 of 3)

(DATE)

Division Administrator
Federal Highway Administration
Florida Division
3500 Financial Plaza, Suite 400
Tallahassee, Florida 32312

Attention: (appropriate representative)

Dear Mr./Ms.:

Name of Project
Location of project
ETDM Number (if applicable)
Financial Management Number
Federal Aid Number
The limits of the project of the approved Environmental Document
The segment(s) being advanced and their phase(s)

The Reevaluation and copy of the signature page are submitted for your review and approval in accordance with the Florida Department of Transportation Project Development and Environment Manual. Please return the signed signature page to the District, after approval.

Please advise this office when we may proceed with the project.

Sincerely,

District Environmental Office

FIGURE 13-3 Reevaluation Transmittal Letter

**STATUS OF ENVIRONMENTAL CERTIFICATION
FOR FEDERAL PROJECT**

Financial Management No. _____

Federal Aid No. _____

Project Description (include project title, limits, and brief description of the proposed scope of work): _____

This project is a Categorical Exclusion under 23 C.F.R. 771.117 and per Florida's Programmatic Agreement for Categorical Exclusions effective October, 2015:

☐ A Type 1 Categorical Exclusion per ☐ (c)____ or ☐ (d)____ as determined on _____

☐ A Type 2 Categorical Exclusion approved on _____

The final environmental document for this project was a (check one):

☐ A Finding of No Significant Impact under 23 C.F.R. 771.121 approved on _____

☐ A Record of Decision under 23 C.F.R. 771.127 approved on _____

A reevaluation in accordance with 23 C.F.R. 771.129 was (check one):

☐ Approved on _____

☐ Not required.

Signature: _____ Date: _____
Environmental Administrator or designee

FIGURE 13-4 Status of Environmental Certification For Federal Project